

TITLE 4: BUSINESS AND SPECIAL LICENSES, REGULATIONS

DIVISION 1: BUSINESS LICENSES AND REGULATIONS

Chapter 10: THEATERS.

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41.101 Definition of Theater.

Any place, building, enclosure, or structure partially or entirely, temporarily or permanently used for dramatic or operatic presentations, acts, motion pictures, or any picture projected from slides, films, or video tape devices, vaudeville show, performances, or any place of public entertainment is determined to be a theater within the meaning of this chapter. Theaters specifically include, but are not limited to, places to which the public is permitted or invited wherein coin or slug operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained, used or available to show images to one or a few persons at any one time.

Adopted Ordinance #1638 (1971); Amended Ordinance #1898 (1974); Amended Ordinance #3015 (1986);

41.102 License Required

It shall be unlawful for any person, firm, partnership, association or corporation to erect, maintain, or operate any theater as defined in Section 41.101 without first having applied for and received a license from the Board of Supervisors of the County of San Bernardino authorizing the same.

Adopted Ordinance #1638 (1971); Amended Ordinance #1898 (1974);

41.103 Licenses.

(a) APPLICATION FOR LICENSES, CONTENTS AND INVESTIGATION.

Application for licenses under this chapter shall be made in writing and filed with the Clerk of the Board of Supervisors. Each application shall be accompanied by a license fee specified in Section 16.025(a)(7) of the County Code. Said fee shall be credited as the first annual license fee. The application shall contain the name of the applicant, the person's interest in the business, his business address, and his residence address, if different from his business address. The application shall be immediately referred to the Planning, Building and Safety, Environmental Health Services Departments, the local fire authority and the Sheriff shall make reports of their findings together with a recommendation as to whether or not the applicant shall be granted a license to the Board of Supervisors within ten (10) days after the application was referred to them.

(b) ISSUANCE OF LICENSES.

The Board of Supervisors shall, upon receiving an application and reports of all the County Departments, the fire authority and the Sheriff, either approve or disapprove the issuance of such license. Grounds for disapproval are the same as those for suspension or revocation set forth in Section 41.106 of this chapter. Licenses shall be issued for a period of one year.

(c) LICENSE NOT TRANSFERABLE.

Each license issued hereunder shall be issued to a specific person and shall in no event be transferable from one person to another.

(d) RENEWALS.

Upon expiration of any license issued, pursuant to this chapter, the holder thereof shall, upon the payment of the required license fee, be entitled to a new license for the ensuing year without making a new application therefor provided the required license fee is paid before the expiration of the license.

(e) DISPLAY OF LICENSE.

Every license issued hereunder shall be displayed in a conspicuous place in the licensee's business premises.

Adopted Ordinance #1638 (1971); Amended Ordinance #1898 (1974);

41.104 Suspension or Revocation without Hearing - Conviction.

If any person holding a license under this chapter is convicted in any court of the violation of any law regulating any activity at the licensee's business premises, the Board of Supervisors may suspend or revoke said license forthwith without any further action thereon other than giving notice of revocation or suspension to the licensee.

Adopted Ordinance #1638 (1971); Amended Ordinance #1898 (1974);

41.105 Suspension or Revocation of License with Prior Hearing.

The Board of Supervisors may, upon its own motion or upon the verified complaint in writing of any person, investigate the actions of any licensee and may temporarily suspend for a period not exceeding one (1) year or revoke the license of any licensee who commits any one or more of the acts or omissions constituting grounds for disciplinary action under this chapter.

If said suspension or revocation is appealed pursuant to Section 41.107, the suspension or revocation shall take effect in accordance with the provisions of Section 41.108.

Adopted Ordinance #1638 (1971); Amended Ordinance #1898 (1974);

41.106 Disciplinary Action - Grounds.

It shall be a ground for denial, suspension, revocation, or other disciplinary action of any applicant, licensee, his agent, or employee, or any person connected or associated with the applicant or licensee as partner, director, officer, stockholder, general manager, or person who is exercising managerial authority, or on behalf of the licensee, has:

- (a) Knowingly made any false, misleading, or fraudulent misstatement of a fact in an application for a license or in any statements made to County departments, the local fire authority, or the Sheriff investigating the application.
- (b) Violated any provision of this chapter or any statute relating to his permitted activity, or
- (c) Been convicted of a felony or any crime involving moral turpitude, or
- (d) Committed any unlawful, fraudulent, or dangerous act while conducting the permitted business, or
- (e) Violated any rule or regulation adopted by the Board of Supervisors relating to the licensee's business, or
- (f) Conducted the permitted business in a manner contrary to the peace, health, safety, or general welfare of the public, or
- (g) Failed to comply with zoning, building and safety regulations of San Bernardino County, County Environmental Health Services Department, or the local fire authority.

Adopted Ordinance #1638 (1971); Amended Ordinance #1898 (1974);

41.107 Procedure.

An applicant or licensee may, within ten (10) days of service upon him of a written notice of denial of license or suspension or revocation of his license under Sections 41.104 and 41.105, file a request for hearing to appeal the suspension, revocation or denial with the Board of Supervisors. The request for hearing shall be in writing and filed by or on behalf of the applicant or licensee. It need not be verified or follow any particular form. Failure to file such a request for hearing shall constitute a waiver of the applicant's or licensee's right to a hearing.

Adopted Ordinance #1638 (1971); Amended Ordinance #1898 (1974);

41.108 Pending Revocation or Suspension Hearings -- Effect on Licensee.

(a) CONTINUING BUSINESS. Upon appeal of a suspension or revocation, pursuant to Section 41.105, pending the final determination of such appeal, a licensee may continue to engage in the business for the period of this license or until the Board of Supervisors makes such final determination.

(b) RENEWAL -- APPLICATION. A licensee may file an application for a renewal of a license pursuant to Section 41.103(d) accompanied by the required fee during the pendency of a proceeding to suspend or revoke his license. Such filing shall continue such license in full force and effect until the entry of the final order of the Board terminating the proceedings. Failure of the Board to revoke, suspend, limit, or condition the license shall have the effect of granting said renewal. The application for renewal shall become a part of the pending proceeding and be subject to all evidence which has been part of the pending proceeding and be subject to all evidence which has been or has thereafter been presented. No further notice to the applicant is required and the Board or hearing examiner is authorized to consider and make findings upon such application in accordance with this chapter.

Adopted Ordinance #1638 (1971); Amended Ordinance #1898 (1974);

41.109 Fictitious Name.

If shall be unlawful for any person or persons to sign a fictitious name or fictitious address in connection with the application for a license or in connection with operating the business.

Adopted Ordinance #1638 (1971); Amended Ordinance #1898 (1974);

41.1010 Compliance with Building Codes and Zoning.

The construction, seating arrangement, and use of a theater shall be in compliance with the Uniform Building Code, the Uniform Wiring Code, and the Uniform Mechanical and Plumbing Codes incorporated by reference into the County Code.

The operation of any theater must be in compliance with the zoning provisions in Title 8 of the County Code.

Adopted Ordinance #1638 (1971); Amended Ordinance #1898 (1974);

41.1011 Seating.

All seats shall be firmly affixed to the floor. All upholstery or covering shall be of fireproof material. Each customer shall be provided a seat during any performance or show.

Adopted Ordinance #1638 (1971); Amended Ordinance #1898 (1974);

41.1012 Viewing Area.

(a) It is unlawful to maintain, operate or manage or permit to be maintained, operated or managed any theater in which the viewing areas are not visible from a continuous main aisle or are obscured by a curtain, door, wall or other enclosure. For purposes of this section, viewing area means the area where a patron or customer is positioned while watching the performance, picture, show or film, and the internal configuration of each viewing area shall be such that the activities of the patron or customer viewing the performance, picture, show, or film are visible from the main aisle. For purposes of this section, obscured means covered at any point from the surface upon which a patron or customer's feet are placed to a point forty-eight inches (48") above that surface. Violation of this section shall constitute a misdemeanor, and shall be punishable by a fine of not more than five hundred dollars (\$500), by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

(b) Any theater lawfully in existence prior to the adoption of or any amendment to this section shall conform to the provisions of this section within ninety (90) days of the effective date of this section.

Adopted Ordinance #1638 (1971); Amended Ordinance #1898 (1974); Amended Ordinance #3015 (1986); Amended Ordinance #3165 (1987);

41.1013 Alcoholic Beverages Prohibited.

It shall be unlawful for any person to sell, furnish, give away, or permit anyone to consume any alcoholic beverage in any theater. It shall also be unlawful for any person to possess, consume, or be under the influence of any alcoholic beverage while in any theater.

Adopted Ordinance #1638 (1971); Amended Ordinance #1898 (1974); Amended Ordinance #3015 (1986);

41.1014 Exemptions.

Any provision of this chapter may be waived by action of the Board of Supervisors as to any civic, educational, charitable or benevolent presentation, place, show, or entertainment.

Adopted Ordinance #1638 (1971); Amended Ordinance #1898 (1974); Amended Ordinance #3015 (1986);

41.1015 Validity.

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this chapter.

Adopted Ordinance #1638 (1971); Amended Ordinance #1898 (1974); Amended Ordinance #3015 (1986);